

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIAM H. STOLLER, an)
Individual and trustee of the William)
H. Stoller Trust, for himself and)
Derivatively on behalf of Express)
Services, Inc., a nominal defendant,)

Plaintiff,)

v.)

Case No. CIV-11-1144-C

ROBERT A. FUNK, *et al.*,)

Defendants.)

DEFENDANT ROBERT E. FELLINGER'S PROPOSED VOIR DIRE

Defendant Robert Fellingier submits the following questions for voir dire in the above captioned matter:

I. GENERAL

1. Have you heard of or do you know any of the attorneys in this case? If yes, how do you know him/her?

2. Have you heard of or do you know either of the law firms that represent the parties in this case? If yes, how do you know the firm or firms?

3. Do you have any special personal issue, such as a medical condition including: (i) the loss of hearing; (ii) the use of medication; or (iii) trouble sitting for long periods of time, such that you genuinely believe it would interfere with your ability to serve or prevent you from serving as a member of the jury in this case?

II. FAMILIARITY WITH THE CASE, PARTIES, AND WITNESSES

1. Express Services, Inc. (sometimes referred to in this case as “Express” or “ESI”) is a Colorado corporation with its headquarters located in Oklahoma City. Express provides staffing, recruiting, and human resources services through a network of over 600 franchised offices located around the world. Have you heard of Express? Are you familiar with its services? Have you ever used its services?

2. Have you, any family member, or anyone close to you had any positive or negative experience with Express or otherwise have any strong feelings, positive or negative, toward this company?

3. Have you, any family member, or anyone close to you ever worked for Express? If so, please provide the time period and a description of your duties.

4. Do any of you know any employees, officers, directors or shareholders of Express?

6. Generally speaking, a closely held corporation is one with a small number of shareholders. Do any of you have any particular education, training or experience with regard to closely held corporations? If so, what is the nature of your education, training or experience and is there anything about that education, training or experience that would cause you to have any strong feelings, positive or negative, toward Express?

7. Have you ever read about or heard of this lawsuit or any other lawsuit involving these parties?

8. Do you have any personal knowledge about any of the facts of this case?

9. Do you have an opinion about who should win this case?

III. EXPERIENCE/GENERAL VIEWS OF THE JUDICIAL SYSTEM

1. Do you hold any particular set of beliefs that you honestly believe would impair your ability to serve as a juror and make factual determinations in the context of this case?

2. Do you, because of particular feelings about our judicial system, including judges and lawyers, find yourself unable to be fair and impartial to each of the parties to this case?

3. Have you, your family members or anyone close to you ever been party to a lawsuit? If so,

a. Were you the plaintiff or defendant?

b. What type of case was it?

c. Was there anything about the lawsuit you believe could have an impact on your ability to be a fair and impartial juror of the facts in this case?

4. Have you, a relative, or anyone close to you ever studied law or have any other form of legal training?

5. Do you have any family members who are lawyers or who work with lawyers?

6. Do you know of any other matter which you believe should be called to the Court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

IV. QUESTIONS RELATED TO THE PARTICULAR CLAIMS IN THIS CASE

1. Have any of you ever owned, managed a company or served in some supervisory role such as a board member or director? If so, briefly describe your background and experience.

- a. Please describe the company.
- b. Is the company still in business?
- c. Did you ever make business decisions or have authority to make business decisions on behalf of the company?
- d. If you ever made business decisions, were those decisions ever questioned? How did that make you feel?

2. Have you ever believed you lost money because a company or an individual breached or violated a duty owed to you? If so, please briefly describe the circumstances.

3. Have you ever believed you lost money because someone misused company assets or resources? If so, please briefly describe the circumstances.

4. Have you, your spouse or someone you know ever been accused of breaching a fiduciary duty or other position of trust with another?

5. Have you, your spouse or someone you know ever been accused of misusing or wasting company assets or finances?

6. How would you rate yourself in terms of interpreting important language in a contract?

- a. A strict constructionist (the contract means what it says).

b. A person who would rather read more liberally the language to ascertain its meaning.

c. Believes the language should be ignored when it is unfair to one party or another.

7. Do any of you have reservations about awarding zero damages if you feel the Plaintiff has not proven any of his claims?

Respectfully submitted,

s/James E. Warner III

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ATTORNEYS FOR DEFENDANT
ROBERT E. FELLINGER

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/James E. Warner III